

Delegated Report

Case Officer: Mary Smith

Ref. No: MC/25/0038

Address: 226-232 Chatham Hill, Chatham

Proposal: Outline application with all matters reserved for residential development – demolition of existing buildings

Publicity

Site notice	Y	Publicity Expiry Date	11/02/2025
Press notice	N		
Adj. neighbours	Y		

Relevant History 2000 onwards

Ref No.	Description	Decision	Date
MC/23/1697	Outline planning application with all detailed matters reserved for the construction of flats (less than 10 units) - demolition of existing buildings	Withdrawn	26/10/2023
MC/05/2173	Retrospective application for change of use of land from vehicle spares, storage and parking to a car hire business	Approved (temporary until 25/04/2011)	25/05/2006
MC/03/2612	Outline application for residential development	Approved	31/03/2004
MC/03/0471	Change of use of land from vehicle spares storage & parking car hire, use of building for car valeting and installation of new gates to front of site	Approved (temporary for 2 years)	27/05/2003
MC/01/0798	Variation of condition 2 of planning consent MC98/151MG outline application for erection of four studio flats and four 1-bedroomed flats with car parking provision and amenity area to allow the time allowed for a further 3 years	Approved	13/09/2001
MC/00/1407	Change of use of land from vehicle spares storage and parking to vehicle sales area and part change of use of building to ancillary vehicle valeting	Approved (temporary until 31/03/2003)	07/03/2001

DESCRIPTION OF SITE

The site contains a shop on the frontage to Chatham Hill together with a car workshop behind and associated vehicle parts storage in the open areas of the site as well as within a separate building/containers to the rear. The application form also says that the existing use includes second hand car sales although this was not evident at the time of the application site visit. The buildings on the site are single storey, with two storey buildings to either side. Access onto Chatham Hill is from the western side of the frontage. Behind the site is a large drop in land levels, with some large trees growing on this bank.

PROPOSAL

This is an outline application with all detailed matters reserved for future consideration for the demolition of the existing buildings and the development of the site for residential purposes. Initially the application description included the 'construction of nine residential units' but reference to the number of units proposed was subsequently deleted.

SUMMARY INFORMATION

	Existing	Proposed
Site Area	585sqm	No change
Land use(s) including floor area(s)	Mixed - part sales and part repairs	Residential
Number of jobs	2	0

PLANNING CONSTRAINTS

The site is within the urban area, with Chatham Hill shown for bus preference measures (Policy T5) in the Medway Local Plan 2003.

POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework Paragraphs (NPPF): See below

Development Plan Policies: See below

Neighbourhood Plan Policies: The site is not within an area covered by a neighbourhood plan.

LOCAL REPRESENTATIONS

	COMMENTS RECEIVED
Parish/Town Council	N/A
Residential Objections Number received:	0
Residential Support Number received:	0

One representation has been received saying they cannot comment without any plan drawings. It has been explained that this is an outline application with all detailed matters reserved for future consideration.

CONSULTATION RESPONSES

Southern Water confirm that there is an existing sewer crossing the vicinity of the site. The exact position must be determined on site before the layout of the development is finalised. The development over an existing sewer/water main will not be acceptable to them. It might be possible to divert it at the developer expense as long as there would be no unacceptable loss of hydraulic capacity. A condition to address this is recommended. Council technical officers should be asked to comment on the adequacy of soakaways to dispose of surface water.

APPRAISAL

Background

Outline planning permission for the residential development of this site has previously been granted, most recently in 2004, however this expired without being implemented and the site remains in use for vehicle related business purposes.

Principle

The site is located within an urban area as designated by the Local Plan. Policy ED3 of the Local Plan refers existing non-allocated employment sites such as this, saying that employment redevelopment will be restricted to business (Class B1, now within Class E) use except where it can be demonstrated that other type of employment use can be accommodated without detriment to residential amenity. Policy H4 says that within the urban area the change of use of buildings no longer required for non-residential use will be permitted.

Paragraph 11 of the NPPF applies a presumption in favour of sustainable development and paragraph 61 refers to the objective to significantly boost the supply of homes. Paragraph 73 confirms the important contribution of small and medium sized sites to meeting the housing

requirements of an area, recognising the contribution of windfall sites with great weight to be given to the benefits of using suitable sites within existing settlements for homes.

The current use of the site is not restricted to the former Class B1/current Class E use and would not usually be encouraged in a primarily residential area due to its potential for detriment to the living conditions of adjoining residents. The submissions do not include evidence that the site is no longer required for this current use, however bearing in mind the site location in an accessible and primarily residential area and the NPPF commitment to providing additional dwellings, in principle the use of the site for residential development is supported.

Design

This is an outline application with all matters of detail to be reserved for future consideration. The design of the redevelopment would therefore be considered at the reserved matters stage, if outline permission is granted, with regard to Policy BNE1 of the Local Plan and paragraphs 131 and 135 of the NPPF.

Residential Amenity

Similarly, the impact of the development of the living conditions of neighbours, including with regard to light, privacy and any overbearing impact, would be considered at the reserved matters stage, once the details of the development had been put forward and with regard to Policy BNE2 of the Local Plan and paragraph 135 of the NPPF.

Highways and Parking

The site has vehicular access on to Chatham Hill and this has been in use for many years for the commercial use of the site. Neighbouring properties also have vehicular access onto Chatham Hill. In these circumstances the continued provision of a vehicular access to the site from Chatham Hill is likely to be acceptable in principle, although means of access is also reserved for future consideration and so would be determined at a later stage including with regard to Policies T1, T2 and T13 and paragraphs 115-117 of the NPPF.

Biodiversity Net Gain (BNG)

Statutory BNG requirements do not apply where there is no impact on priority habitat or more than 25sqm of on-site habitat, as in the current case.

Climate Change and Energy Efficiency

Measures to address these matters would need to be included at the reserved matters stage if outline permission is granted, with regard to Policy BNE4 of the Local Plan and paragraphs 161 and 164 of the NPPF.

Flood Risk

The site is within flood zone 1 and no overriding concerns regarding flood risk are raised with regard to paragraph 181 of the NPPF. The concern of Southern Water regarding their apparatus crossing the site will be drawn to attention by an informative on the decision notice.

Contamination

A Phase 1 Desk Study Report Contaminated Land Risk Assessment has been included with the application. This is in line with current guidance and, based on the findings, recommends an intrusive investigation due to the potential for contamination on the site. If permission is granted this would be addressed by conditions of the approval in accordance with Policy BNE23 of the Local Plan and paragraph 196 of the NPPF.

Noise and Air Quality

The site fronts on to an Air Quality Management Area (AQMA) and a busy road, the A2 Chatham Hill. The site is therefore exposed to road traffic noise and poor air quality issues. Any residential development would therefore need to address these matters and include

appropriate mitigation through acoustic and ventilation systems. If permission is granted this would be addressed by conditions of the approval and by details required at the reserved matters submission stage in accordance with Policy BNE2 of the Local Plan and paragraphs 135, 187 and 199 of the NPPF.

Archaeology

The application site lies alongside the route of Roman Watling Street, a major strategic road that linked London with the Channel ports. Numerous archaeological discoveries have been found alongside this ancient route which has acted as a focus for Romano-British and later activity. The site may also contain archaeological evidence for the development of this area of Luton in the post-medieval period.

At the time of the previous application for this site (MC/23/1697) KCC Archaeology advised that it is possible that the proposed development may impact remains of archaeological interest and that a condition could address this. If permission was to be granted, a condition to require a programme of archaeological work would therefore be proposed, with regard to Policy BNE21 of the Local Plan and paragraphs 207, 208 and 216 of the NPPF.

Bird Mitigation

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £328.27 per dwelling (excluding legal and monitoring officer's costs, which separately total £790 if an associated legal agreement is required to secure the tariff) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. This tariff should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation).

These strategic SAMMS mitigation measures are being delivered through Bird Wise North Kent, which is the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, and the mitigation measures have been informed by the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. Further information regarding the work being undertaken is available at The Bird Wise website which can be found at <https://northkent.birdwise.org.uk/about/>.

The application fails to address the impact of the proposal on the Special Protection Areas of the Thames Estuary and Marshes and the Medway Estuary and Marshes through either the submission of details to allow the undertaking of an Appropriate Assessment or via a contribution towards strategic mitigation measures. In the absence of such information or contribution, the proposal fails to comply with the requirement of the Conservation of Habitat and Species Regulations 2010 and is contrary to Policies S6 and BNE35 of the Local Plan and paragraphs 193 and 194 of the NPPF.

CONCLUSIONS AND REASONS FOR RECOMMENDATION

In summary the proposal is acceptable in principle and detailed matters including design, amenity impact and parking would be addressed at the reserved matters stage. However, the application fails to address the impact of the proposal on the Special Protection Areas of the Thames Estuary and Marshes and the Medway Estuary and Marshes through either the submission of details to allow the undertaking of an Appropriate Assessment or via a contribution towards strategic mitigation measures. In the absence of such information or contribution, the proposal fails to comply with the requirement of the Conservation of Habitat and Species Regulations 2010 and is contrary to Policies S6 and BNE35 of the Local Plan

and paragraphs 193 and 194 of the NPPF and refusal on this ground is therefore recommended.